IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 6258 of 2007(T)

PETITIONER:

RUKHIYA, W/O.K.M.ABOOBACKER,
AGED 40, RESIDING AT KEEZHAPARA HOUSE,
P.O.PULIKKAL, ERNAD TALUK, CHERUKKAVU AMSOM
PARAVUR DESOM, MALAPPURAM DIST.

BY ADV. SRI.HARISH R. MENON,
SRI.K.T.SHYAMKUMAR.

RESPONDENTS:
----

1. **TALUK SURVEYOR, ERNAD TALUK OFFICE,**
   MANJERI, MALAPPURAM DIST.

2. **ADDITIONAL DISTRICT MAGISTRATE,**
   COLLECTORATE, MALAPPURAM.

3. **ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL SUB DIVISION, KSEB KONDOTTY,
   MALAPPURAM DIST.

BY GOVT. PLEADER SRI. N. SUDHADEVI,
ADV. SRI. JOSE J. MATHEIKEL, S.C, KSEB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

WP(C).No.6258 of 2007-T

Dated this the 26th day of February, 2007.

JUDGMENT

The second respondent has allowed drawing of electric line to give power supply to Sri.K.Alikutty. , S/o. Kunderi Bichali Kunderi, Pulikkal Post, through the boundary of Smt. Kunhilakshmi Amma and the petitioner. Thereupon, the petitioner filed Ext.P3 application before the Additional District Magistrate, Malappuram to fix the boundary between her property and that of the said Smt. Kunhilakshmi Amma, so that the line can be drawn exactly through the boundary. The said application has been forwarded to the Taluk Surveyor as evident from Ext.P4. The petitioner submits, till the boundary is fixed, the line may not be drawn. Seeking the above relief, this writ petition is filed.

2. I heard the learned Standing Counsel for the 3rd respondent also. I feel that till the boundary is fixed, the drawing of the electric line to the residence of Sri.K.Alikutty cannot be deferred. The petitioner can move for fixing her boundary with Smt. Kunhilakshmi Amma under the provisions of the Kerala Survey and Boundary Rules by filing appropriate applications with requisite fee to the Talhsildar and pursue it. The Taluk Surveyor or Tahsildar as the case may be

can fix the boundary, if only agreed to by both the parties. Otherwise the dispute has to go before the civil court and get the boundary fixed. If the boundary between the property of the petitioner and Smt. Kunhilakshmi Amma is finally fixed, and it is found that the post erected is within the property of the petitioner, she can move the K.S.E.B. to shift it to the actual boundary. The K.S.E.B. is bound to do as the Additional District Magistrate has granted permission to draw the line.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
MS JUDGE.